



PTO/SB/64 (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Julio L. Pimentel

Application No.: 08/888,202

Art Unit: 1642

Filed: July 7, 1997

Examiner: UNGAR, Susan

Title: "Decreased Fat Absorption With An Anti-Lipase Antibody"

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 308-6916**RECEIVED**

OCT 02 2003

**OFFICE OF PETITIONS**NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee —required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of Petition For Revival-Unintentionally (identify type of reply):☒ has been filed previously on April 7, 2003.☐ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

☐ has been paid previously on \_\_\_\_\_.☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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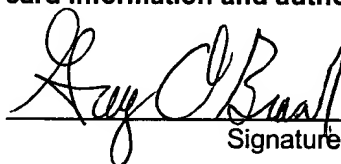
### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

September 30, 2003  
Date

  
Signature

Telephone

Number: (770) 995-8877

Greg O'Bradovich  
Typed or printed name

395 Scenic Highway  
Address

Lawrenceville, Georgia 30045  
Address

Enclosures: ☐ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

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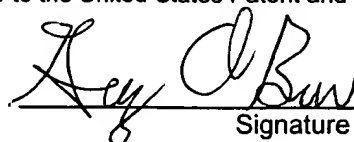
### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

September 30, 2003  
Date

  
Signature

Greg O'Bradovich  
Type or printed name of person signing certificate



#421

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
JULIO L. PIMENTEL

Serial No. 08/888,202

Filed: July 7, 1997

For: "Decreased Fat Absorption With An  
Anti-Lipase Antibody"

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\* Examiner: Ungar, Susan  
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\* Group Art Unit: 1642  
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Office of Petitions  
MAIL STOP PETITIONS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

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Date of Deposit: September 30, 2003

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.10

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, with sufficient postage, as under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date of Signature: 9-30-03

  
Greg O'Bradovich  
Attorney for Applicant

**REQUEST FOR RECONSIDERATION  
RENEWED PETITION UNDER  
37 C.F.R. 1.137(b)**

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Dear Sir:

Responsive to the Decision on Petition dated July 2, 2003, Applicant desires to file this Renewed Petition for Revival of An Application For Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b).

The Petition for Revival as originally filed by Applicant on April 7, 2003 to revive the unintentionally abandoned application, which became abandoned on November 7, 2002, was dismissed because it lacked the required reply. Applicant submits that: (1) the required fee was paid; (2) the statement of unintentional abandonment was properly made; and (3) no terminal disclaimer is required.

Applicant has enclosed the required items as follows:

1. The required reply is a Request for Continued Examination under 37 C.F.R. 1.114 and is attached herewith. Applicant has included an amendment and the RCE fee under 37 C.F.R. 1.17(e). Although an amendment was previously submitted in response to the Final Office Action Dated August 6, 2002, the amendment currently submitted with the RCE is in the revised format as required under 37 C.F.R. 1.121.
2. The Petition fee as set forth in 37 C.F.R. 1.17(m) has been previously paid in the Petition for Revival filed on April 7, 2003.
3. Applicant has previously made a statement that the entire delay in filing the required reply from the due date of the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional. Specifically, Applicant had stated in the Petition for Revival filed on April 7, 2003 that "On December 31, 2002, the Applicant received an Advisory Action from Examiner Dr. Ungar; the period for reply was marked (a) to expire three months from the mailing date of the final rejection. The applicant thought that the date in reference was the mailing date of the Advisory Action so a reply to the above application was sent on March 26 and received by the PTO on March 31, 2003. This misunderstanding unintentionally put the application on condition of abandonment."

4. Since the utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

Applicant has requested a One Month Extension for response as permitted under 37 C.F.R. 1.136(a) and has included the appropriate fee.

If there are any questions regarding this document, Applicant asks that the undersigned attorney be immediately contacted by telephone.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Greg O'Bradovich", is written over a horizontal line.

Greg O'Bradovich  
Attorney for Applicant  
Registration No. 42,945

HINKLE & O'BRADOVICH, LLC  
395 Scenic Highway  
Lawrenceville, Georgia 30045  
(770) 995-8877

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